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 <b>Notice of Allowability</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/677,399		SMITH ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Robert P. Swiatek		3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1 March 2005; telephone interview of 18 March 2005.
2. ☒ The allowed claim(s) is/are 32,33,35,38-41,45,46 and 48-50.
3. ☒ The drawings filed on 01 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

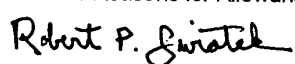
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol>	<ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>3-18-05</u>.</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol>
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**ROBERT P. SWIATEK**  
**PRIMARY EXAMINER**  
**ART UNIT 3643**

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeffrey F. Craft on 18 March 2005.

The application has been amended as follows: In claim 35, line 7, the word –said– has been inserted after “in,” in line 10, the phrase –, said first insulating portion coextensive with at least an upper end portion of said conductive portion and– has been inserted after “portion”; in claim 40, line 4, “insulating” has been changed to –insulating–; in claim 45, line 9, the phrase –, said first insulating portion coextensive with at least an upper end portion of said conductive portion and– has been inserted after the second occurrence of “portion”; on page 1 of the specification, lines 3-6 (encompassing the totality of the amended section entitled “Related Applications”) have been deleted; on page 12, the paragraph spanning lines 3-5 has been replaced with the following paragraph: –FIG. 5 is a top plan view of a dam and reservoir showing equi-voltage-gradient lines formed proximate the entrance of water intakes by two electrode arrays, each electrode array containing multiple equipotential electrodes according to the present invention.–; on page 12, line 6, the phrase –taken along line 6-6– has been inserted after “reservoir.”

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This case is being passed to issue with allowed claims 32, 33, 35, 38-41, 48-50, 45, 46,  
renumbered as claims 1-12.

RPS: ©703/308-2700 (current); ©571/272-6894 (future)  
18 March 2005

*Robert P. Swiatek*  
ROBERT P. SWIATEK  
PRIMARY EXAMINER  
ART UNIT ~~333~~ 3643